

MINUTES BOARD OF TRUSTEES MEETING DECEMBER 18, 2012

The Village of Cold Spring Board of Trustees held their regular monthly meeting on Tuesday, December 18, 2012 at 7:30 p.m. at Village Hall, 85 Main Street, Cold Spring, NY.

Attending: Mayor Seth Gallagher and Trustees Matt Francisco, Bruce Campbell, J. Ralph Falloon, and Charles Hustis

Also: Stephen Gaba, Village Attorney; Gregory Phillips, Water Superintendent; Michael Armstrong, Chair Special Board

Absent: Ellen Mageean, Village Accountant and William Bujarski, Building Inspector

Mayor Gallagher opened the meeting followed by the Pledge of Allegiance.

APPROVAL OF MINUTES

Trustee Hustis moved to accept minutes of the November 13th, November 20th, November 27th and December 6, 2012 meetings. Motion seconded by Trustee Campbell and unanimously approved.

FINANCIAL REPORT

Mayor Gallagher reviewed bank balances for the period ending on November 30, 2012. Highlights of the six-month budget analysis were presented as per **attached**.

WATER DEPARTMENT REPORT

Three leaking water service lines were recently repaired resulting in approximately 20,000 to 25,000 gallons per day decrease in water flow to the distribution system. The water department vehicle is in need of replacement.

WASTE WATER DEPARTMENT REPORT

Federal Emergency Management Agency held a kick-off meeting and visited the West Street pump station. This begins the process of assessment of hurricane-related damages, necessary repairs and possible mitigation measures for future events.

Superintendent Phillips reviewed upcoming projects for the wastewater department including: the Market Street pump station replacement, upgrades at the treatment plant and inflow and infiltration investigation. He recommended a review of our sewer fund revenues to determine the best course of action to prepare for these projects.

CODE ENFORCEMENT

Monthly totals for permits, inspections and complaints were read.

POLICE AND JUSTICE COURT

In light of the tragic events in nearby Newtown, CT, officers have been directed to increase presence at Haldane School. In addition, the department will be meeting with law enforcement leaders, government officials and school administrators to discuss security concerns and coordinate additional actions to further enhance the safety at our schools and public facilities.

The Justice Court collected \$10,672.00 during November 2012.

Trustee Hustis performed an audit of the Justice Court records for the year ending May 2012. He concluded that overall the court was running efficiently and smoothly and he complemented Court Clerk Costello for her work. Trustee Francisco moved to approve of the Justice Court audit and seconded by Trustee Falloon and unanimously approved.

ADDITIONAL MONTHLY REPORTS

Recreation Commission- Trustee Campbell thanked all who participated in the recent Tree Lighting Ceremony.

The Commission received a request from the Putnam Visitor's Bureau to hold the Putnam Cycling Classic on May 5, 2013. The board requested a meeting with organizers on January 15th to discuss this event.

Fire Company liaison- A meeting will be arranged between Mayors Gallagher and Corless, Supervisor Shea, Trustee Falloon, Ellen Mageean, Village Accountant, Fire Company President Bowman and Chief Steltz to discuss financing for a new firehouse.

Planning Board Liaison- The change of use application for Dunkin Donuts was approved. The Planning Board is reviewing the B-4 zoning change.

Historic District Review Board liaison- A public hearing on the Butterfield certificate of appropriateness application was held on December 5th. A decision will be forthcoming on December 19th.

Special Board for the Comprehensive Plan/ Local Waterfront Revitalization Plan- The board plans a public workshop on the Projected Impact of Seal Level and Climate Change on the Village set for January 19th at 2:00 p.m.

REPORT OF THE MAYOR AND BOARD OF TRUSTEES

Trustee Francisco moved to add, under new business, discussion on whether the open meetings law was violated (as mentioned in a PCN&R article dated 12/12/2012); motion seconded by Trustee Hustis. Trustees Francisco, Campbell, Falloon and Hustis voted in favor with Mayor Gallagher opposed.

Trustee Campbell reported that the village received a contract from NYS for a drainage project on Route 9D.

Trustee Falloon spoke about a Putnam County Law Enforcement meeting held today to continue discussion on school security.

Mayor Gallagher called for a review of the Customer Bill of Rights to see if it is doing what it is intended to do. Additionally, the mayor wants to begin the process of adoption of the updated historic district survey.

CORRESPONDENCE

Mary Conklin, Chair of the Putnam County Legislature informed Mayor Gallagher that the Putnam County Executive's support for obtaining space at the Butterfield Hospital location should not be interpreted as having the support of the Putnam County Legislature at this time.

Mayor Gallagher added that this letter was followed up by a phone call from Deputy Chair Richard Othmer who expressed his support for the Butterfield project.

Trustee Francisco voiced his concern about the press promoting the Butterfield project to area seniors and indicating that if zoning changes go forward and hospital demolition occurs, they will have a new senior center.

OLD BUSINESS

B-4 ZONING CHANGE

Attorney Gaba provided an introduction to the draft local law. There was discussion on Trustee Francisco's concerns regarding handling senior housing through site plan approval rather than a special permit and risks associated with attaching the local law to a concept plan. This was followed by a vote on a resolution to schedule a public hearing as follows:

Village of Cold Spring Resolution No.49 - 12

WHEREAS, the Village Board is considering amending the Village Zoning Code in regard to the provisions applicable to the B-4 Zoning District; and

WHEREAS, the Village Board has before it a draft local law entitled "A Local Law To Amend Village Code Chapter 134 by Amending Village Code Sections 134-3, "Listing Of Districts," and 134-15, "Regulations for B-4 Designated Medical and Health Care Facility District", a copy of which is annexed hereto;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the movant of this resolution does hereby introduce the proposed local law,

2. That a public hearing on the proposed local law is set for January 29th, 2013 at 7:30 o'clock p.m. and that due notice of the same is directed to be given by publication and posting, and

3. That the proposed local law shall be circulated to the Planning Board, the Zoning Board of Appeals and the Comprehensive Plan Special Board with a request that comments upon the proposed local law be provided on or prior to January 22, 2013 and further the notice of Public Hearing and draft local law and conceptual plan shall be posted on the village website.

Trustee J. Ralph Falloon presented the foregoing resolution which was seconded by Trustee Bruce Campbell,

The vote on the foregoing resolution was as follows:

Charles E. Hustis III, Trustee, voting	YES
Bruce D. Campbell, Trustee, voting	YES
J. Ralph Falloon, Trustee, voting	YES
Matt Francisco, Trustee, voting	YES
Seth J. Gallagher, Mayor, voting	YES

Resolution officially adopted on December 18, 2012 by a vote of 5-0.

FLOODPLAIN MANAGEMENT

A draft local law has been forwarded to the NYSEC for review and some minor changes were recommended. The board voted on the following resolution to forward a revised draft to the NYSDEC as follows:

Village of Cold Spring Resolution No. 50 - 2012

WHEREAS, in order for the Village to maintain eligibility in the National Flood Insurance Program, the Village must enact an amendment to the Village Code adopting the most recent Flood Insurance Study and other revisions to meet the standards of the Federal Emergency Management Agency; and

WHEREAS, the Village Board previously approved a draft revision to Cold Spring Village Code Chapter 52, "Floodplain Management," for submission to the New York State Department of Environmental Conservation ("DEC") for review; and

WHEREAS, after reviewing the draft code revisions, the DEC has suggested further changes and revisions; and

WHEREAS, the Village Board has before it the revised draft of the proposed revisions to Village Code Chapter 52, 'Floodplain Management', " a copy of which is **annexed** hereto;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Village Board does hereby approve the draft revisions to the Village Code for submission to the DEC for review.

Trustee Hustis presented the foregoing resolution which was seconded by Trustee Matt Francisco,

The vote on the foregoing resolution was as follows:

Charles Hustis, Trustee, voting	YES
Bruce D. Campbell, Trustee, voting	YES
John Ralph Falloon, Trustee, voting	YES

Matt Francisco, Trustee, voting	YES
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Seth Gallagher, Mayor, voting	YES
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Resolution officially adopted by a vote of 5-0 on December 18, 2012.

COMPUTER TECHNICAL SUPPORT PROPOSALS

The board requested additional information on the proposal from Managed Technologies regarding an hourly rate for computer support services and security changes to the network. Also, Item 9 in the contract related to cancellation fees should be deleted. After receiving additional information from Managed Technologies, the proposal will be considered at an upcoming workshop.

NEW BUSINESS

REQUEST FOR PARKING WAIVER FOR 75 MAIN STREET

Joseph Barbaro, Planning Board Chair asked the board to consider a request for (6) parking waivers associated with a change of use application for the third floor space at 75 Main Street. Trustee Falloon moved to approve the application for parking waivers and seconded by Trustee Campbell and unanimously approved.

CONTRACT FOR TOWN OF PHILIPSTOWN FIRE PROTECTION

Trustee Hustis moved to approve the fire protection contract with the Town of Philipstown for 2013 and seconded by Trustee Campbell.

On roll call vote:

Charles Hustis, Trustee, voting	YES
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Bruce D. Campbell, Trustee, voting	YES
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John Ralph Falloon, Trustee, voting	YES
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Matt Francisco, Trustee, voting	YES
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Seth Gallagher, Mayor, voting	YES
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Resolution officially adopted by a vote of 5-0.

OPEN MEETINGS LAW

Trustee Francisco expressed his concern about a quote from Mayor Gallagher in the PCN&R that questioned whether activities of Historic District Review Board were appropriate and legal and asked if there was additional information that the board should be made aware of.

BILL APPROVAL

Trustee Campbell moved to approve payment of the audited bills and seconded by Trustee Hustis and unanimously approved.

PUBLIC COMMENT

James Geppner expressed his concerns regarding the Butterfield development. He proposed that: No permits be given and no zoning changes be made until an independent study is completed; that a financial analysis which meets certain standards, be provided for public review; that the mayor recuse himself from planning and historical board proceedings and that a concept plan should not be considered an acceptable submission for permit approvals as it gives way too much latitude. He complemented the Special Board for their work but added that they didn't begin an analysis of the financial and economic opportunities.

Michael Armstrong added that over several years the Special Board received feedback on the Butterfield site and recommended mixed use. Mr. Guillaro has followed this recommendation. The Special Board also emphasized that this project should be tax positive. Mr. Guillaro's study on the original plan provided a detailed fiscal analysis that conforms to the norms for such plans. Mr. Armstrong believes that when a financial analysis is performed on the revised plan, with increased commercial use; it will show that the project is tax positive.

Dave Merandy, Philipstown resident and member of the Town of Philipstown Council added that the town is committed to a conceptual idea of this plan but there no commitment from the town. He believes that there should be a financial analysis along with commitments from the town and county.

Stephanie Hawkins objected to a suggestion that the Larson Fischer historic district survey should be adopted as the HDRB has problems with it and it is part of an application currently before the board. She objected to the promotion of the Butterfield project to senior citizens. She sees this as an impropriety on part of the mayor in that there is interference with the HDRB process. Lastly, she called upon the board to convene a Board of Ethics to investigate the claims made by Stephanie Hawkins.

Richard Weissbrod, Planning Board member would like to have the board resolution mention that the project is tax positive. He thinks that the municipal building could easily become another commercial space if the town/county is not committed. He also spoke about devoting a large space for senior citizen's meetings that will only be in use part of the time. He called for looking at innovative ways to meet seniors' needs.

Susan Peehl called for looking at the effects on the entire community when reviewing any development project within the village.

Dar Williams stressed the importance of consolidation of services and is concerned that there might not be county support for the Butterfield project.

CLOSED SESSION

Trustee Francisco moved to enter into closed session to seek the advice of counsel and seconded by Trustee Hustis and unanimously approved.

Respectfully submitted,

Mary Saari, Village Clerk

MINUTES OF DECEMBER 18, 2012 VILLAGE OF COLD SPRING VILLAGE BOARD MEETING

Present:

Mayor Seth Gallagher
Trustee Bruce Campbell
Trustee Matt Francisco
Trustee J. Ralph Falloon
Trustee Charles E. Hustis III

Also Present:

Stephen J. Gaba, Attorney

There was a motion made to terminate closed session and resume regular session made by J. Ralph Falloon, seconded by Charles E. Hustis III. All in favor – aye.

There was a motion made to approve two weeks' vacation pay in cash for Robert Downey made by Charles E. Hustis III, seconded by Matt Francisco. All in favor – aye.

There was a motion made to adjourn by Charles E. Hustis III, seconded by Bruce Campbell. All in favor – aye.

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